

Remarks

Claims 25, 4-8, 10-12, 14-18 and 24 are pending in the application, with claim 25 being the independent claim. Claims 1-3, 9, 13 and 19-23 have been canceled.

Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 25, 4-8, 10-12, 17, 18 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,974,007 to Greve ("Greve") in view of U.S. Patent No. 5,194,115 to Ramspeck et al. ("Ramspeck").

Claim 25 recites:

A method of applying a flowable substance to a web of wrapping material for rod-shaped products, comprising the steps of:

confining the web to movement along a predetermined path;

directing at least one stream of flowable substance in an at least partially non-linear manner toward one side of the web, wherein said directing step includes the utilization of a nozzle having an orifice which discharges the at least one stream of flowable substance, and includes rotating the stream, wherein said rotating step includes directing against the stream at least one flow of a fluid substance; and
advancing the web lengthwise along said path at a variable speed.

Greve is cited for advancing the web lengthwise along a path at a variable speed. Although Greve discloses a variable-speed drive for drums 11 and 12 to advance the tow 5, claim 25 requires the web to be advanced at a variable speed. The tow 5 of Greve is described as "crimped filamentary filter material which is to be converted into the filler of a continuously wrapped filter rod 50." (Greve, col. 4, lines 11-13). The "web" 46 of Greve is drawn from a bobbin 45 of a "conventional"

wrapping device 40 by rolls 45a. (Greve, col. 5, lines 32-36). As such, in Greve, the web wraps the tow.

To summarize, in Greve, the tow is driven at a variable speed, while in claim 25, the web is advanced lengthwise along a path at a variable speed. These are two different things. It is also noted that the web is defined in claim 25 as a **web of wrapping material for the rod-shaped products**. The tow of Greve cannot satisfy this limitation.

Accordingly, Greve and Ramspeck fail to disclose the features of claim 25, and thus, claim 25 is allowable over the cited art. Claims 4-8, 10-12, 17, 18 and 24 depend from claim 25 and are allowable as depending from an allowable claim.

Claims 14-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Greve in view of Ramspeck, and further view of U.S. Patent No. 4,987,854 to Hall ("Hall"). Claims 14-16 depend from claim 25. Like Greve and Ramspeck, Hall fails to disclose that the web is advanced at a variable speed, as recited in claim 25. Accordingly, claim 14-16 are allowable as depending from an allowable claim.

Interview

Applicant's Representative appreciates Examiner Tran granting the telephone interview of May 20, 2004. The present Response emphasizes the points discussed during the interview, particularly those dealing with the differences between the tow and web. During the interview, the Examiner appeared to acknowledge that Greve fails to disclose that the web is advanced by a variable speed motor. However, it was the Examiner's preliminary opinion that such a modification of Greve may be obvious. In that the present rejection argues that Greve does disclose this feature, it is respectfully submitted that any subsequent rejection arguing the obviousness of the modification would be a new ground of rejection, which would necessitate a new, **non-final** Office Action.

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Conclusion

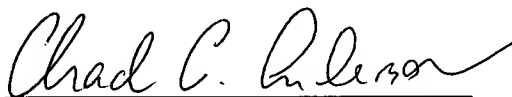
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

A Notice of Allowance with claims 25, 4-8, 10-12, 14-18 and 24 is respectfully requested.

Respectfully submitted,

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